

SAN BRUNO PLANNING COMMISSION BY-LAWS



1. **Purpose and Intent.** The membership and duties of the San Bruno Planning Commission (the "Commission") are prescribed in Chapter 2.08 of the San Bruno Municipal Code. These by-laws set forth the procedural rules for the conduct of Commission meetings
2. **Meetings.** The Commission shall conduct its business in accordance with Chapter 2.08 of the San Bruno Municipal Code, these by-laws, the Ralph M. Brown Act (Government Code Section 54950 *et seq.*) and any Code of Conduct that has or shall be adopted by the City Council.
 - 2.1 **Regular Meetings.** The Commission shall hold regular meetings at 7:00 p.m. on the first and third Tuesdays of each month, except that no meeting shall be held if a regular meeting day falls on a legal holiday or is canceled pursuant to Section 2.6. Regular meetings shall be held at the San Bruno Senior Center or at any other place designated by the City Council as the regular meeting place.
 - 2.2 **Special Meetings.** In accordance with San Bruno Municipal Code Section 2.04.040, special meetings may be called at any time by the Chair or by a majority of the Commission, by written notice to each Commissioner. Such notice must be received at least twenty-four hours before the time of such meeting as specified in the notice, unless notice is waived in writing. The notice shall specify the time and place of the special meeting and the business to be transacted, and no other business shall be transacted at that meeting other than that contained in the notice.
 - 2.3 **Adjourned Meetings.** All meetings may be adjourned to another specified time, place and date, but not beyond the next regular meeting. If all members are absent from any regular or adjourned regular meeting the Secretary may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as provided in paragraph 2.2 above for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment.
 - 2.4 **Study Sessions.** The Commission may, from time to time, as part of a regular, adjourned or special meeting, meet in study session to focus on a particular matter within its jurisdiction. Action shall not be taken during a study session other than guidance to staff.

2.5 Public Meetings. All meetings and study sessions of the Commission shall be open to the public. Closed sessions may be held only when specifically authorized by the Brown Act.

2.6 Cancellation of Regular Meetings. The Commission may cancel an upcoming regular meeting for lack of a quorum or at the discretion of the Community Development Director for lack of sufficient business before the Commission. Notice of the cancellation shall be posted in lieu of an agenda.

3. Organization of the Commission.

3.1 Officers. Section 2.08.030 of the San Bruno Municipal Code provides that the Commission shall elect from its membership a Chair, who shall preside over Commission meetings. The Commission shall also elect a Vice-Chair, who shall preside in the absence of the Chair. The Chair and Vice-Chair are sometimes referred to herein as the “presiding officer.” If both the Chair and the Vice-Chair are absent, the senior most Commissioner shall preside. The presiding officer shall have the following powers, except that the presiding officer’s determination as to any of the below matters may be overruled by a majority of the Commissioners present:

3.1.1 To call to order the Commission meeting and to conduct the order of business as set forth in the agenda;

3.1.2 To adjust the agenda, if needed, at the time of the meeting with the approval of the Commission;

3.1.3 To facilitate the proceedings, debate and vote (but does not make motions, although presiding officer may debate and vote);

3.1.4 To rule motions in or out of order;

3.1.5 To determine whether a speaker from the audience has exceeded his or her time or is otherwise out of order;

3.1.6 To rule on questions of parliamentary procedure based generally on Robert's Rules of Order;

3.1.7 To sign all resolutions and other documents necessitating his or her signature;

3.1.8 To call a brief recess during a meeting;

3.1.9 To appoint commissioners to subcommittees with the approval of the majority of the Commission; and

3.1.10 To maintain decorum.

3.2 **Duties of Vice-Chair.** When the Chair is absent or the position is vacant, all duties of the Chair's office or as member of any committee, shall temporarily fall upon the Vice-Chair, or in the absence of the Vice-Chair to the next most senior Commissioner based on service to the Commission.

3.3 **Organizational Meeting.** At its last meeting in December, the members of the Commission shall nominate and elect a Chair and Vice-Chair from among its members. In nominating a Chair, the Commission shall give preference to the incumbent Vice-Chair. In nominating a Vice-Chair, the Commission shall give preference to its member with the greatest seniority on the Commission who has not previously served as Chair or Vice-Chair. If two or more members of the Commission have equal seniority, selection shall be made by lot. A Commissioner may decline a nomination.

3.4 **Term of the Chair and Vice-Chair.** The term of office of the Chair and Vice Chair shall be one year or until their successors are elected and qualified. Nothing shall prevent the City Council from removing and replacing the Chair or Vice-Chair at any time during their respective terms.

3.5 **Vacancy in the Office of Chair or Vice-Chair.** In the event of a vacancy in the office of Chair, the Vice-Chair shall succeed to the office of Chair for one year. If there is a vacancy in the office of Vice-Chair, the Commission shall elect one of its members to fill the vacancy, giving preference in the same manner as described in Section 3.3 of these By-Laws.

3.6 **Vacancy of a Commissioner's Seat.** In the event of an unscheduled vacancy of any Commissioner's seat prior to the expiration of his or her term, the Mayor subject to the approval of a majority of the City Council may appoint a member to serve the remainder of the unexpired term in accordance with the City Council's rules. The newly appointed member shall take and subscribe to the oath of office before the next regular meeting after his or her appointment by the City Council and after filing the appropriate disclosure forms as required by state and local law.

3.7 **Quorum.** Pursuant to San Bruno Municipal Code Section 2.08.050(B), four general members of the seven member Commission shall constitute a quorum for the transaction of business. Where there is not a quorum present, the Secretary of

the Commission shall announce that no meeting will be held due to lack of a quorum, and shall announce the date of the next regular or adjourned meeting. When a member of the Commission is disqualified due to a financial conflict of interest, his or her presence shall not be considered in determining the presence of a quorum. Any decision of the Commission shall require a vote of the majority of the Commission present and qualified to vote.

- 3.8 Subcommittees.** The Commission may from time to time establish either standing or ad hoc subcommittees consisting of any number less than a quorum of its membership for the purposes of studying a specific area of concern. Standing subcommittees (which have a regular meeting schedule or continuing subject matter jurisdiction) are subject to all of the requirements of the Brown Act.

3.8.1 The Commission may refer matters to a subcommittee to report back to the full Commission at a future date. The subcommittee report will be considered advisory and its recommendations are subject to action by the full Commission.

3.8.2 The Chair shall designate the Committee Chair. The Planning Commission at a regular meeting shall define the duties of any Committee. If necessary for the proper consideration of a matter referred to a committee, the committee is authorized to call upon the Community Development Director or his or her designee to obtain such plans, surveys, and other information as is reasonably necessary.

- 3.9 Architectural Review Committee.** The Architectural Review Committee shall be held to meet as needed, but generally the Thursday of the week between scheduled Planning Commission meetings, commencing at 6:00 p.m. at City Hall, or other designated regular meeting place and time.

3.9.1 The Architectural Review Committee shall consist of three Planning Commissioners who volunteer month to month. The duties consist of reviewing projects requiring architectural review. After reviewing the proposed projects, the Committee may prepare a report and recommend conditions to the Planning Commission.

3.9.2 Applicants and/or designers for the project requiring architectural review and approval should be encouraged to attend the Architectural Review Meeting.

3.9.3 Staff assistance may be provided to the Architectural Review Committee as needed.

3.9.4 The Architectural Review Committee takes final action on architectural review permits and minor modification permits or such other matters as set forth in the San Bruno Municipal Code.

3.9.5 The Architectural Review Committee shall forward to the Planning Commission a recommendation on all other matters.

3.10 Absences from Meetings. If a member of the Planning Commission is absent from three successive regular meetings without being excused by the Community Development Director or is absent for any reason for more than six regular meetings in any twelve-month period, the office of such member shall be vacated. Thereupon, the Community Development Director shall notify the City Clerk who shall inform the City Council that said office is vacant. Upon such notification, a successor for the remainder of the term of such member shall be appointed as provided in Section 2.08.010 of the San Bruno Municipal Code. In order to request an excused absence, a Commissioner must notify the Chair or the Community Development Director of the anticipated absence in advance of the meeting and the request must be noted during call of the roll and reflected in the minutes of the meeting, and is subject to denial by the Commission.

3.11 Oath of Office. Newly appointed Commissioners shall take and subscribe to the oath of office before assuming their duties. A City official authorized to do so by State law may give the oath.

4. The Commission Agenda.

4.1 Preparation of the agenda. The Community Development Director or his or her designee shall formulate and prepare the agenda for Commission meetings.

4.2 Posting of the agenda. The Community Development Department shall cause to be posted an agenda for each regular meeting in the designated posting locations, including the place of

the meeting, not less than 72 hours prior to the meeting. Agendas of special meetings shall be posted and provided along with the notice of the meeting as provided in paragraph 2.2 above.

- 4.3 Order of Business.** Items shall be placed on the agenda substantially according to the following "Order of Business." Upon review of the agenda at the beginning of any meeting, the Commission may change the order of business in order to promote the efficiency of the meeting. The Order of Business for each regular Commission meeting shall be as follows:

1. Call to Order/Roll call
2. Pledge of Allegiance
3. Approval of Minutes
4. Communications
5. Public Comment (Matters Not on the Agenda)
6. Public Hearing(s), Use Permit & Variance Requests
7. City Staff Discussion
8. Planning Commission Discussion including sub-committee reports
9. Adjournment

- 4.4 Approval of the Minutes.** The Commission shall automatically dispense with reading of the minutes.

- 4.5 Description of Matters on the Agenda.** All items of business to be transacted shall be described briefly on the agenda in sufficient detail so that a reasonable person can determine the general nature of the matter under consideration. Not every recommendation or conceivable action or alternative need be listed.

- 4.6 Adding Items of Business to the Agenda.** The Commission shall not discuss or take action on any item of business not listed on the posted agenda except:

4.6.1 Upon a majority determination of the existence of an "emergency" as that term is defined in the Brown Act.

4.6.2 Upon a determination by a two-thirds vote of the members present, or if less than two-thirds of the membership is present, upon a unanimous vote, that there is an immediate need to take action and that the need to take action came to the attention of the City subsequent to the posting of the agenda. If the Commission makes this determination, the minutes of the meeting shall reflect what circumstances gave rise to the need to take action after the posting of the agenda.

4.6.3 Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the Commission occurring not more than five calendar days prior to the date of the meeting at which the item is to be considered, and the item was continued to an adjourned meeting.

4.7 **Adding Items of Business to a Future Agenda.** Any member of the Commission may request that an item of business within the Commission's subject matter jurisdiction be added to a future agenda. Such requests are subject to approval of the Commission.

4.8 **Public Comment.** Members of the public shall be permitted to speak on each item of business on the agenda when the item is taken up and before the Commission takes action on the item and during the public comment for matters not on the agenda. Each speaker shall have a three (3) minute period to speak; time cannot be ceded to another speaker. In order to facilitate the conduct of the meeting, the Chair or the Commission may lengthen or shorten the three minute period for all speakers on a particular agenda item based on the number of persons in attendance wishing to speak or the complexity of the matter under consideration. An individual may speak only once per item.

4.9 **Notification.** Upon written request on an annual basis and payment of the fee, if any, required by the City's fee resolution, the Secretary will mail Commission agendas or agenda packets to any person.

5. **Minutes.** The Community Development Director in accordance with the following Commission policy shall keep the minutes of Commission meetings:

5.1 Minutes shall contain a record of all proceedings, motions, and actions, but shall only contain a summary of the discussion, not a verbatim transcription. The minutes shall accurately reflect what occurred at the meeting.

5.2 All motions, whether carried or not, shall be recorded, disclosing the author of the motion and the second, and the roll call vote.

5.3 Minutes of public hearings shall list when available the names and City of residence of all persons who speak during the hearing, and

the position they took on the matter. The minutes need not include detailed or verbatim transcriptions of public comments.

- 5.4 An audiotape recording of all Commission meetings shall be made and said recording tapes shall be kept for a period not less than thirty days following the Commission's approval of the minutes and shall be subject to disclosure during that time.

6. **Secretary.** The Community Development Director or his/her designee shall serve as the Secretary for the Commission. The Secretary shall:

- 6.1 Keep the minutes of all meetings of the Commission;
- 6.2 Give or serve all notices required by law or by these rules;
- 6.3 Formulate and prepare the agenda for all meetings of the Commission;
- 6.4 Be custodian of Commission records;
- 6.5 Inform the Commission of correspondence relating to business of the Commission and attend to such correspondence;
- 6.6 Handle funds allocated to the Commission, as directed by the applicable Department Director, and in accordance with its directives, the law, and City regulations;
- 6.7 Sign official documents of the Commission and
- 6.8 Act as liaison for the Planning Commission website.

7. **Conduct of Commission Meetings.**

- 7.1 **Action by the Commission.** The Commission shall proceed by way of motion. Any member, excluding the Chair, may make a motion and any member may second the motion except that the same person who made the motion cannot second it. A member may make only one motion at a time and a motion or second may be withdrawn by the maker at any time before a vote.
- 7.2 **Adoption by Majority Vote.** A motion shall be adopted by an affirmative vote of a majority of the Commission present provided a quorum is determined to exist. Commissioners have a duty to vote "aye", or "nay" on each motion. Abstentions are not counted in the vote tally. Abstentions shall be cast only if the Commissioner declares:

7.2.1 The existence of a conflict of interest or other disqualification from voting; or

7.2.2 A lack of sufficient information upon which to base a vote.

7.3 **Resolutions.** Any Commissioner may introduce a resolution for adoption. The resolution is approved upon a roll-call vote.

7.4 **Public Hearings.** Whenever the law requires the Commission to hold a public hearing, such hearing shall be held in accordance with the following rules and procedures:

7.4.1 The Presiding Officer shall open the public hearing and orally summarize the procedures used by the Commission during a public hearing or shall refer the audience to the agenda, wherein the procedures will be summarized.

7.4.2 The order of the hearing shall be as follows unless otherwise required by law or determined by the Commission in the interest of assuring a fair hearing:

- a. Opening of the Public Hearing
- b. Presentation of Staff Report or Subcommittee Reports, if any
- c. Questions of Staff from the Commission
- d. Presentation by Applicant Testimony of Public
- e. Closure of the Public Testimony
- f. Discussion by Commission, including any ex parte communications, further questions to staff or applicant
- g. Action
- h. Statement of Appeal Period

7.4.3 **Public Record.** During the public hearing the Commission may receive both oral or written testimony relevant to the matter being considered, which shall become part of the public record. In addition, the staff report, all exhibits, maps, papers and other physical evidence submitted to the Commission shall be retained and become part of the public record. Disclosures of pertinent information obtained by a Commissioner outside the hearing shall also be part of the record. Commissioners shall disclose all contacts occurring outside the hearing, including disclosure of the name of the contact and content of the communication.

7.4.4 Continuation. At any time that it appears to the Presiding Officer or a majority of the Commission that inadequate evidence has been presented to afford judicious consideration of any matter before the Commission at the time of a public hearing, or for other just cause, and as long as a continuance is permissible under State law, the hearing may be continued to afford the applicant, the public, or City staff adequate time to assemble additional evidence for the Commission's consideration. The Commission may also continue a public hearing on a matter being heard de novo for purposes of conducting a field trip collectively to view the property that is the subject of the hearing.

7.4.5 Presentation by Applicant/Appellant and Public Testimony. The Presiding Officer shall recognize the applicants and/or appellants in the case, who shall be permitted 5 minutes to present evidence related to the matter under consideration.

The Presiding Officer shall then recognize members of the public. No person may speak without first being recognized by the Presiding Officer. Members of the Commission who wish to ask questions of the speakers or each other during the Public Hearing may do so. The Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected persons. Comments from the public shall be limited to three (3) minutes per speaker; time cannot be ceded to another speaker. The Chair or Commission may increase or reduce the time limit for speakers in the manner and for the reasons described in Paragraph 4.8.

7.4.6 Termination of Public Testimony. The Presiding Officer shall terminate public testimony when no members of the public who have not yet spoken wish to speak, or if after hearing substantial testimony on both sides of the matter, due to the lateness of the hour or the press of business, the Chair determines that additional testimony would be redundant and would not contribute materially to the Commission's consideration of the matter.

7.4.7 Commissioner Deliberations. No Commissioner shall begin deliberations on a matter until the public portion of the hearing has been closed and the time has come for Commission deliberation.

7.4.8 Reopening the Public Testimony Portion of the Hearing.

Once the public testimony portion of a public hearing on any matter has been closed, no further public testimony shall be allowed unless the Presiding Officer having made a good faith effort to determine that to the extent reasonably possible all persons who were present when the public testimony was heard are still present at that meeting. Nothing herein however is intended to prevent or prohibit the reopening of public testimony at any subsequent regular or special meeting of the Commission provided that due and proper notice is given to the applicant, the public, and all those who have signed in or testified their correct address at the prior hearing(s), designating the time and place of said re-opening.

7.4.9 Public Hearings - Decision. The Commission shall consider all evidence properly before it in accordance with these procedures and then act upon the item. A Commissioner who was absent from all or a significant part of a Public Hearing shall abstain from participating unless he or she has listened to the audiotape or viewed the videotape of the portion of the hearing missed and reviewed all submitted documents and other material.

7.4.9.1 Denial. When the Planning Commission denies a project, it may do so without prejudice if it so specifies. In that instance, the Planning Commission can determine whether the applicant shall incur new fees. In general, if a substantial revision is anticipate, new fees shall apply.

7.5 Rules of Decorum.

7.5.1 Conflicts of Interest. California's Political Reform Act prohibits public officials from making, participating in making, or in any way seeking to influence governmental decisions in which they have a financial interest. An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect different from the effect on the public generally. When a Commissioner has a conflict, he or she must disclose the existence of the conflict, abstain from participating in the decision, and leave the room while the discussion and decision-making is taking place. The Commissioner should not attempt to influence such a decision in any manner, except that he or she may exercise his or her right to address the Commission as a member of the public during

public comment and in the same manner and to the same extent as other citizens.

7.5.2 Requesting the Floor. Commissioners should request the floor of the Presiding Officer before speaking.

7.5.3 Communication with Members of the Public Addressing the Commission.

7.5.3.1 It is the responsibility of the Commissioners to direct dialogue with staff and to discourage members of the public from engaging staff directly in a dialogue during a meeting.

7.5.3.2 If a member of the audience has addressed the Commission on matters that are not on the agenda, Commissioners shall refrain from discussion of the matter. If a Commissioner so wishes, the Commissioner may, if appropriate, during the "Items from Commissioners" portion of the meeting, direct the Community Development Director to place the matter on the next agenda, subject to the approval of the Commission.

7.5.4 Disruption of Meeting. Any person or group that willfully interrupts the meeting so as to render the orderly conduct of such meeting unfeasible and order, the Presiding Officer may, after warning the individual or group, order a brief recess. If after a brief recess, the individual or group so disrupts the meeting, in accordance with California Government Code Section 54957.9, the Presiding Officer may order the room cleared. Members of the press shall be permitted to remain unless they have participated in the disruption.

7.6 Adjournment of Meetings. Commission meetings shall adjourn not later than 11:00 p.m., or as soon thereafter as the Commission completes the item of business on the table at that hour, in which event items of business not yet addressed shall be continued to the next regular meeting or to an adjourned meeting. The Commission may by majority vote extend the meeting beyond 11:00 p.m. in order to complete more of its agenda.

8. Robert's Rules of Order. If a matter arises that is not covered by these rules, the Brown Act or the San Bruno Municipal Code, the procedures of the Commission shall be governed by the latest revised edition of Robert's

Rules of Order to the extent consistent with laws governing public agencies.

9. **Amendments to By-Laws.** These by-laws may not be amended unless the proposed amendment has been presented to and approved by the City Council.